

REMARKS

In the Office Action mailed May 9, 2005, the Examiner rejected claims 17, 20, 22, 25 and 35-38, but allowed claims 15, 16, 18, 19, 21, 23, 24, 27 and 29-34. Applicants thank the Examiner for the indication allowability. Applicants have not amended any of the current claims of the application.

I. Claim Rejection under 35 USC 103

The Office Action rejected claims 17, 20, 22, 25 and 35-38 as being unpatentable over Gerace et al. (EP 0442178 A1) under 35 USC 103. Applicants traverse the rejection of the claims. Applicants contend that Gerace et al. do not disclose the amount of epoxy resin of claim 17 and, further, do not disclose the amount of epoxy resin of claim 17 in combination with the amount of filler of claim 17.

The MPEP 2143.03 reads, "To establish prima facie obviousness...all the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, the MPEP states that, "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Gerace et al. is most aptly seen as a reference that teaches relatively low amounts epoxy resin and more particularly relatively low amounts of a modified epoxy resin as opposed to the about 10 to about 50 parts by weight of epoxy resin recited in claim 17 of the present application. Gerace et al. teach the use of epoxy resin as a part of an "adhesion promotion system". In discussing the "adhesion promotion system", Gerace et al. reads at page 4, lines 40-41 that the system, "...also contains an epoxy resin or modified epoxy resin..." However, the "adhesion promotion system" represents only a small percentage of the overall composition of Gerace et al. In particular, at page 5, lines 28-31, Gerace et al. make clear that the "adhesion promotion system" in its broadest range is from "about 3% to about 15%" of the overall composition. Gerace et al. then goes on to give examples at pages 6 and 9 suggesting that the composition includes about 2% of an elastomeric modified epoxy resin. Thus, when looked at as a whole, the teachings of Gerace et al.

suggest, at best, an amount of epoxy resin that is on the order of 1/5th the amount of epoxy resin suggested in claim 17. This difference become particularly poignant when claim 17 is looked at "as a whole" to include its higher level of epoxy resin combined with the amount of filler (i.e., about 40 to 60%) recited in claim 17. As such, Applicants contend that Gerace et al. do not disclose or suggest all the elements of claims 17 separately or in combination. Therefore, Gerace et al. does not establish a prima facie case of obviousness against claim 17 and its dependents, claims 20, 22, 25 and 35-38.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

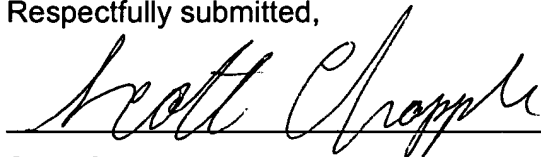
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 5 July, 2005

Respectfully submitted,

A handwritten signature in cursive script, reading "Scott Chapple", written over a horizontal line.

Scott Chapple
Registration No. 46, 287
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342
(248) 292-2920

Customer No. 25215